IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Taufik Hussain. Versus State of Rajasthan.

S.B. Criminal Misc. Petition No. 669/2006
against the order dated 18-2-2006 passed
by the Addl. Sessions Judge, Banswara, camp
Kushalgarh, in Sessions Case No.7/2001.

...

Date of Order: August 02, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. Mridul Jain, for the petitioner.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.

BY THE COURT:

By the instant criminal miscellaneous petition under Section 482 of the Code of Criminal Procedure, 1973 (for short, "the Code" hereinafter), the petitioner has challenged the order dated 18-2-2006 passed by the Additional Sessions Judge, Banswara, camp Kushalgarh (for short, "the trial Court" hereinafter), whereby the trial Court, while acquitting the accused therein, directed disposal of the property i.e. ornaments, watch and cash amount of Rs.80,000/- to the complainant. This order of the trial court purports to be under Section 452 of the Code. Thus, the impugned order is appealable under Section 454 of the Code and as such when

alternative remedy of appeal is available to the petitioner, the miscellaneous petition under Section 482 of the Code is not maintainable.

Consequently, the criminal miscellaneous petition is dismissed. However, the petitioner challenge the order impugned by way of filing an appeal, if so advised.

(H.R. PANWAR), J.

mcs